

## Chapter 39

### SOLID WASTE AND LITTER CONTROL\*

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#### ARTICLE I. IN GENERAL

##### Sec. 39-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* shall mean a public right-of-way which is used only for secondary access to individual properties which have their primary access from an adjacent public street or an approved common or compensating open space or courtyard which has direct access to a public street.

*Bulk container* means any container used for the collection and/or disposal of solid waste which is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, it includes the "dumpster" type containers which are commonly used in multifamily residential, commercial, and industrial and public locations. Provided, that the term shall not include the rolling automated collection containers that are furnished by the city and

private collection contractors to residents where automated collection service equipment is utilized.

*Bulk container service provider* shall mean the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to service the container by transporting the container and/or its contents for disposition, then it shall mean the person providing such service.

*Commercial unit/service unit* shall mean any structure, public or private, located within the boundaries of the city that is adopted to occupancy for the transaction of business. It shall include but not be limited to shops, stores, shopping centers, public buildings, business offices, restaurants, hotels, motels, or such other places of business.

*Curblin*e shall mean an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin shall include the area three feet beyond said imaginary line on the nonpavement side of the line.

*Department* means the department of solid waste management.

*Director* means the director of the department of solid waste management or the director's duly authorized representative.

\***Cross references**—Duty of automobile wreckers to remove glass, debris, etc., from scene of accident, § 8-113; deposit of waste or garbage at airports, § 9-67; removal of trash deposited on streets, etc., after moving of buildings, § 10-73; clean up after demolition or removal of structures, § 10-356 et seq.; garbage and refuse in restaurants, etc., § 20-21, item 20; health generally, Ch. 21; litter at Lake Houston, § 23-6; garbage and refuse receptacles at piers at Lake Houston, § 23-37; solid waste handling and disposal in manufactured home parks, §§ 29-99, 29-113 et seq.; moving vehicles which throw or drop mud or clay on streets, § 40-22; vehicles transporting earth material on streets and alleys, § 40-168 et seq.; placing trash, etc., into gutters, storm sewers, etc., § 47-34; water meter boxes to be free from rubbish, § 47-21.

*Garbage* shall mean abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

*Heavy or oversized trash* shall mean any rubbish or trash generated upon the premises of a residential unit which is of such size or weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.

*Public street* shall mean the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

*Residential unit/service unit* shall mean any structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes and patio homes. It shall also include apartments in a multi-unit, arrangement/configuration/construction of eight or fewer individual units. Residential unit shall not include apartments in excess of eight individual units in a multi-unit arrangement/configuration/construction, hotels, motels, boarding houses, or other similar rental units.

*Rubbish or trash* shall mean abandoned, discarded or unwanted nonputrescible solid waste materials consisting of both combustible and non-combustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied) wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; non-combustible rubbish or trash shall include glass, crockery, tin cans, aluminum cans, metal furni-

ture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components and the city shall not be required to pick up such materials.

*Solid waste* shall mean "municipal solid waste" as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 325.5 of the Texas Department of Health, Municipal Solid Waste Management Regulations and any amendments thereto.

(Code 1968, § 20-1; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 1, 10-12-88; Ord. No. 89-1525, § 1, 10-25-89; Ord. No. 98-115, §§ 3-5, 2-11-98)

#### **Sec. 39-2. Disturbing or removing contents of containers.**

(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb or remove any contents of any bin, bag or other container that is placed for collection of garbage or recyclable materials at the designated location for pickup by the department.

(b) It is a defense to prosecution under this section that the accused is the person who placed or caused the bin, bag or container to be placed for collection or that the accused is an agent or employee of the city.

(Code 1968, § 20-2; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 1, 10-12-88; Ord. No. 95-406, § 1, 4-12-95)

#### **Sec. 39-3. Littering generally.**

With the exception of containers and items placed for pickup in conformity with the conditions for pick up and the times authorized pursuant to this chapter, no provision contained in this chapter shall be construed as constituting the permission of the city for the deposit of solid

waste upon sidewalks, public streets, curbs or other public places of the city. Any deposit which does not conform in all respects with the provisions set forth in this chapter shall constitute an unlawful deposit of litter which shall be punishable as provided by law.

(Code 1968, § 20-3; Ord. No. 81-1524, § 1, 8-11-81)

#### **Sec. 39-4. Penalties; enforcement.**

(a) When in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision shall be punishable upon first conviction by a fine of not less than \$50.00 nor more than \$2,000.00 and upon each subsequent conviction by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall be punishable as a separate offense. To the extent that any conduct in violation of this chapter also constitutes a violation of state penal laws, then it shall be punishable as provided in the applicable state law.

(b) The remedies in this chapter are not exclusive. The city attorney is authorized to file and prosecute any other action authorized at law or in equity to abate any unsanitary condition or unlawful disposal of waste.

(Ord. No. 95-406, § 2, 4-12-95)

#### **Sec. 39-5. Remedies cumulative.**

This chapter is cumulative of other laws. To the extent of inconsistency between the provisions of this chapter and any other ordinance of the city, the more restrictive shall apply.

(Ord. No. 95-406, § 2, 4-12-95)

#### **Secs. 39-6—39-15. Reserved.**

### **ARTICLE II. DEPARTMENT OF SOLID WASTE MANAGEMENT\***

#### **Sec. 39-16. Created.**

There is hereby created a department of the city to be designated the department of solid waste management.

(Ord. No. 93-514, § 62, 5-5-93)

\*Editor's note—Ord. No. 93-514, § 62, adopted May 5, 1993, amended the Code by adding a new Art. II, §§ 39-16—39-18, to read as herein set out.

#### **Sec. 39-17. Director.**

There is hereby created the office of the director of solid waste management. The director shall be the head of the department and shall be appointed by the mayor and confirmed by the city council.

(Ord. No. 93-514, § 62, 5-5-93)

#### **Sec. 39-18. Duties.**

The department and the employees assigned to the department shall:

- (1) Supervise and be responsible for the collection, transportation and disposal of solid waste.
- (2) Carry out the policies of the mayor and city council in the overall planning effort to develop a reliable and efficient method for solid waste disposal.
- (3) Have such other duties and responsibilities as may be assigned by the mayor and city council.

(Ord. No. 93-514, § 62, 5-5-93)

#### **Secs. 39-19—39-29. Reserved.**

### **ARTICLE III. HOUSTON CLEAN CITY COMMISSION†**

#### **Sec. 39-30. Created; purpose.**

There is hereby established the Houston Clean City Commission to direct and oversee a comprehensive litter control program for the purpose of reducing and controlling to an acceptable level the concentration of litter in the city and to bring about a long-term improvement in the attitudes and trash handling habits of citizens.

(Code 1968, § 2-274.1; Ord. No. 77-2294, § 1, 11-19-77; Ord. No. 88-1643, § 2, 10-12-88)

#### **Sec. 39-31. Litter defined.**

As used herein the term "litter" shall mean uncontrolled and improperly containerized refuse or trash on public or private property.

(Code 1968, § 2-275; Ord. No. 77-2294, § 1, 11-19-77; Ord. No. 88-1643, § 2, 10-12-88)

†Cross reference—Boards, commissions, authorities, etc., generally, § 2-316 et seq.

### **Sec. 39-32. Composition; appointment of members.**

The Houston Clean City Commission shall consist of 40 members to be appointed by the mayor and confirmed by city council. Each member shall be a community leader representing the civic, business and governmental segments of the city. Thirty-one members shall be designated as members-at-large and shall be appointed to positions which shall be numbered 1 through 31. Nine members shall be designated as district members, shall be appointed to positions which shall be lettered A through I, and shall be residents of the city single-member council district which bears the letter corresponding to the position to which the district member is appointed. In the event a district member's place of residence is redistricted from one council district to another during the term of the member's office that member shall not be disqualified but shall serve the remainder of the term and until a successor is appointed and confirmed. One at-large-member shall be the director of the solid waste management department or his designee, one shall be the director of the health and human services department or his designee and one shall be the director of the public works and engineering department or his designee. Among the 31 members at large, the mayor may appoint and city council may confirm up to six persons who are employed by businesses that are situated within the city limits but do not reside within the city to serve as nonresident members at large.

(Code 1968, § 2-276; Ord. No. 77-2294, § 1, 11-19-77; Ord. No. 81-2241, § 1, 11-10-81; Ord. No. 83-1126, § 1, 7-19-83; Ord. No. 88-1643, § 2, 10-12-88; Ord. No. 90-635, § 92, 5-23-90; Ord. No. 93-514, § 63, 5-5-93; Ord. No. 96-325, § 1, 4-3-96; Ord. No. 96-1171, § 1, 11-6-96)

### **Sec. 39-33. Terms of members.**

The members of the Houston Clean City Commission shall serve the following terms:

- (1) The terms of office for members-at-large who hold even-numbered positions shall expire on February first of even-numbered years.

- (2) The terms of office for members-at-large who hold odd-numbered positions shall expire on February first of odd-numbered years.
- (3) The terms of office for district members shall expire on February first of each year.
- (4) Members whose terms have expired shall continue to serve until their successors are appointed and confirmed.
- (5) The terms of office for the three department directors shall coincide with the tenure of their appointments as director of the solid waste management department, as director of the health and human services department and as director of the public works and engineering department, respectively.

(Code 1968, § 2-277; Ord. No. 77-2294, § 1, 11-19-77; Ord. No. 77-2560, § 1, 12-13-77; Ord. No. 81-2241, § 1, 11-10-81; Ord. No. 88-1643, § 2, 10-12-88; Ord. No. 90-635, § 93, 5-23-90; Ord. No. 93-514, § 64, 5-5-93; Ord. No. 96-325, § 2, 4-3-96)

### **Sec. 39-34. Compensation.**

Members of the Houston Clean City Commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the commission, or the firm, company or corporation with whom the commissioner is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the commissioner's duties as a commissioner of the Houston Clean City Commission and, provided further the commission may hire or secure the services of a full-time program director to administer the clean city program.

(Code 1968, § 2-278; Ord. No. 77-2294, § 1, 11-9-77)

**Sec. 39-35. Chairman.**

The Houston Clean City Commission shall organize by electing one of its members as chairman; such chairman shall hold office for one year or until his successor has been elected and qualified.

(Code 1968, § 2-279; Ord. No. 77-2294, § 1, 11-9-77)

**Sec. 39-36. Adoption of administrative procedures.**

The Houston Clean City Commission may adopt such administrative procedures as are necessary to accomplish the purposes set out in this article. (Code 1968, § 2-280; Ord. No. 77-2294, § 1, 11-9-77)

**Sec. 39-37. Reports.**

The Houston Clean City Commission shall, each quarter, during the months of January, April, July and October submit a written report to the mayor and city council summarizing the status of the clean city program.

(Code 1968, § 2-281; Ord. No. 77-2294, § 1, 11-9-77)

**Sec. 39-38. Consultation with city officers and departments.**

The director and other city officers and staffs of city departments may consult with and advise the Houston Clean City Commission from time to time on matters coming within the scope of this article and the commission may consult with and advise such city officers and personnel of such departments.

(Code 1968, § 2-282; Ord. No. 77-2294, § 1, 11-9-77)

**Sec. 39-39. Solicitation of funds.**

The Houston Clean City Commission shall have the authority to solicit funds and donations to carry out the purposes for which it is established.

(Code 1968, § 2-283; Ord. No. 77-2294, § 1, 11-9-77)

**Secs. 39-40—39-47. Reserved.****ARTICLE IV. COLLECTION SERVICES****DIVISION 1. GENERALLY****Sec. 39-48. Limited to residential units within city.**

Except as otherwise provided in this article, the city shall provide garbage and rubbish collection service only to residential units. This section shall not prohibit separate contracts approved by the city council for additional service outside the terms of this article. The city shall provide garbage and rubbish collection service only within the city limits.

(Code 1968, § 20-10; Ord. No. 81-1524, § 1, 8-11-81)

**Sec. 39-49. Collection from nonresidential units.**

(a) Garbage or rubbish shall be collected by the city from nonresidential units only if such nonresidential units are qualified for such service under the terms of this section and comply with the provisions hereof.

(b) Any nonresidential unit seeking city garbage and rubbish collection service shall apply for same in writing to the director on forms provided by the director. The director shall then grant such service, provided that the director finds in writing that such nonresidential unit meets all of the following requirements:

- (1) The cost to the city of providing service to such nonresidential unit is not unduly prohibitive.
- (2) The nonresidential unit is located immediately adjacent to existing established residential routes which may be easily extended to provide the nonresidential unit with service.
- (3) The city has the capability in terms of personnel and equipment to provide the nonresidential unit with service.
- (4) Providing the nonresidential unit with the service will best serve the public convenience and necessity of the city.

- (5) The director shall be given written permission by the owner, lessee or authorized agent of any publicly or privately owned property to enter the premises and make inspections to determine whether or not refuse is being properly stored, collected, removed and disposed of as required by the provisions of this chapter. If it is found that this chapter is being violated, appropriate and timely action shall be taken to ensure full compliance with same.
- (6) The nonresidential unit is not a medically-related facility, such as, but not limited to, hospitals, medical centers, health clinics, dental labs, medical labs, mortuaries and veterinary hospitals.
- (c) Any nonresidential unit approved for city garbage and trash collection service under this section shall comply with all other appropriate terms and provisions of this chapter as if the nonresidential unit were a residential unit.
- (d) If the route on which the approved nonresidential unit is situated has conventional collection service, then the city collectors will pick up the contents of no more than three disposable (one-way) containers each having a capacity not exceeding 35 gallons garbage and rubbish complying with this chapter from the nonresidential unit on each day that service is provided on the route. If the route on which the approved nonresidential unit is situated has automated collection service, then the city collectors will pick up the contents of one or two rolling automated collection containers on each day that service is provided on the route.
- (e) Any nonresidential unit denied garbage and rubbish collection service by the director under this section may appeal the director's decision to city council by filing notice of appeal with the city secretary, with a copy to the director, within 30 days of receipt of the director's written notice of denial of service.
- (f) There is hereby imposed a fee of \$13.50 per calendar month or any portion thereof for garbage and rubbish collection service under this section. The fee shall be billed from time to time and shall be payable in advance in accordance with billing procedures established by the director. Field col-

lection personnel are not authorized to receive payment of the fee. No service shall be rendered to any person who has failed to make payment in advance.

(Code 1968, § 20-11; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 3, 10-12-88; Ord. No. 91-1272, § 1, 8-28-91; Ord. No. 98-115, § 6, 2-11-98)

#### **Sec. 39-50. Materials to be picked up by department.**

(a) The director shall promulgate rules that establish the content of items that will be picked up by department personnel. For regular collection services, the items will be limited to those that may be accepted at a type I municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. For heavy or oversize trash collection services, items will be limited to those that may be accepted at a type IV municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. For recyclables, the items will be based upon applicable laws and regulations and the city's contracts with purchasers of items to be recycled. The director may impose further restrictions upon items or quantities of items to be collected based upon the safety of department personnel and the capability and capacity of departmental collection equipment. The director shall similarly establish rules for neighborhood depository and adopt-a-container services.

(b) Copies of the rules shall be maintained in the director's office and the city secretary's office. Additionally, copies shall be posted at neighborhood depository sites and adopt-a-container sites and made available to residents upon request.

(c) Department personnel shall not accept any materials that are not authorized for collection under the rules. To the extent that any items placed for collection are mixed so as to include both authorized and unauthorized items, department personnel shall not be obliged to sort the materials and may refuse the entire lot.

(d) Except as provided in section 39-49 of this Code, the collection services shall be limited to the collection and acceptance of waste generated by residential users in connection with activities that are incidental to their use of their property for residential purposes and waste generated upon a vacant residential lot that is generated in connection with the maintenance of that vacant residential lot. The department shall not collect or accept other waste. It shall be unlawful for any person to place items for collection by the department at the curbline of any property except as authorized herein.

(e) The department shall not collect or accept bulky items, such as construction debris or debris from the trimming or removal of trees, unless generated by work performed by the residents of the property upon which the waste was generated, rather than by contractors retained to do the work. It is the duty of contractors who are performing work at residential units to which the department renders service to remove and lawfully dispose of construction debris, tree waste and similar bulky items or to cause the materials to be removed by private collectors, rather than to leave the materials upon the property for collection by department personnel.  
(Ord. No. 95-406, § 3, 4-12-95)

#### **Secs. 39-51—39-60. Reserved.**

### **DIVISION 2. CONTAINERS, ETC.**

#### **Sec. 39-61. Defective or overloaded containers.**

No person shall use or cause to be used or place or cause to be placed for collection by city or private collectors any garbage or rubbish container which:

- (1) Is not of such construction as to have a lid or other closure means which will effectively prevent the spillage or airborne loss of its contents and the entry of vectors or elements of nature; or

- (2) It is overloaded so that the lid will not fit securely thereon, or if not equipped with a lid is not securely bound or fastened at the open end; or
- (3) Is deteriorated to the extent of endangering collectors or to the extent that the lid will not fit securely or the contents are otherwise not effectively contained therein.  
(Code 1968, § 20-15; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88)

#### **Sec. 39-62. General specifications.**

(a) Based upon the availability of service equipment and the economies of its use, the director shall establish service routes and designate which areas of the city shall receive conventional collection service and which shall receive automated collection service.

(b) The following specifications and service conditions shall apply on routes receiving conventional collection service by city collectors:

- (1) The combined weight of the garbage, rubbish and container shall not exceed 50 pounds.
- (2) Except as provided in item (4) of this subsection, garbage and rubbish shall be placed in containers of not more than 35 gallons capacity. Pet feces must be wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.
- (3) Disposable (one-way) containers made of plastic film or of any other synthetic or natural organic material which has sufficient strength and quality to securely contain a capacity of not more than 35 gallons of garbage or rubbish shall be required for residential service.
- (4) An unlimited number of containers will be serviced by the city on a schedule designated by the director and based upon the capability and capacity of available equipment, the safety of the city's collectors and the capabilities of the disposal sites used by the city.

- (5) Yard waste need not be separated and may be combined with other materials placed for collection in the same disposable container.

(c) The following specifications and service conditions shall apply on routes receiving automated collection service by city collectors:

- (1) Each residential unit shall be required to separate yard waste from other items to be placed for collection.
- (2) The department shall loan one rolling automated collection container to the resident(s) of each residential unit. The residents of a residential unit shall be loaned a second rolling automated collection container upon request and demonstration that a single container is consistently insufficient to service their needs. Collection of materials other than yard waste shall be limited to two rolling automated collection containers per residential unit per collection day, and all materials other than yard waste must be placed into a rolling automated collection container provided by the city for collection.
- (3) The rolling automated collection container(s) provided by the city and shall be placed for collection in a location along the curb that is accessible to the mechanized service vehicle's lift equipment.
- (4) Yard waste shall be separately collected and must be prepared for collection in one way containers or bundles as described in section 39-64 of this Code.

(d) Operators of private collection services may establish different specifications as to the size, weight and construction of containers which they will pick up, provided that the specifications conform to section 39-61 of this Code.

(e) For purposes of conducting pilot programs to evaluate new solid waste disposal and recycling technologies, the director may establish different specifications as to the size, weight, and construction of containers that the city will pick up in certain areas of the city, provided that the specifications conform to section 39-61 of this Code.

(f) In connection with automated collection service and pilot programs, the department may loan rolling automated collection containers, recycling bins or related equipment to residents for their use in placing rubbish, trash and recyclables for collection by the department. The equipment shall remain the property of the city, and it shall be the responsibility of each person who receives that equipment to exercise reasonable care with respect to the maintenance and use of the equipment. Broken, damaged, lost or stolen rolling automated collection containers shall be repaired or replaced by the department in accordance with rules established by the director, which shall be established and promulgated in the same manner provided by section 39-50 of this Code.

(g) It shall also be the duty of each person who receives automated collection service equipment to store the equipment in a secure place where it will not be visible to a person standing in the right-of-way of any public street adjacent to the property where the equipment is used, except while placed for collection in accordance with this chapter. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the equipment in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.

(Code 1968, § 20-16; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88; Ord. No. 93-872, § 1, 7-14-93; Ord. No. 95-406, §§ 4, 5, 4-12-95; Ord. No. 98-115, § 7, 2-11-98)

#### **Sec. 39-63. Nonconforming containers.**

City collectors shall not be obligated to service any garbage or rubbish container which does not contain garbage or rubbish as hereinabove defined or which is not in conformity with the requirements for placement as set forth in sections 39-61 and 39-62 of this Code.

(Code 1968, § 20-17; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88; Ord. No. 98-115, § 7, 2-11-98)

#### **Sec. 39-64. Preparation of yard waste for collection.**

City collectors will pick up yard waste in conjunction with collection service if the waste is



prepared and placed pursuant to this section. Any person desiring to place yard waste for collection by the city shall cause the same to be placed in one-way disposable containers not exceeding 35 gallon capacity or 50 pounds total weight, provided that tree trimmings having a diameter of less than three inches and related materials may be securely tied in bundles not heavier than 50 pounds and not more than four feet in length nor 18 inches in diameter. No person shall place more than four bundles of tree trimmings for removal on any one day of collection. Yard waste must be separated from other waste placed for collection on routes where automated collection service is provided by the city.

(Code 1968, § 20-18; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88; Ord. No. 98-115, § 7, 2-11-98)

#### **Sec. 39-65. Placement for regular collection, etc.**

(a) Except as provided in subsection (b), collection services shall be limited to items placed at the curblane of a public street in front of or adjacent to the property upon which the waste was generated. All items shall be contained or bundled as provided in this chapter. Regular collection services shall be provided on the basis of a schedule established and promulgated by the director, which shall normally include one pickup per week on routes receiving automated collection service and two pickups per week on routes receiving conventional collection service. Service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(b) On routes served by conventional collection service, the director shall, in lieu of collection at the curblane of a public street, authorize collection services from the curblane of an alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;

- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street; and
- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service.

The director shall not be obliged to offer alley pickup service on routes served by automated collection service.

(c) It shall be unlawful to place or to allow to remain any materials at the curblane for regular city collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for collection service at that location. Collection services shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblane on a designated collection day after department collection service personnel have passed the site for that day on their route, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site. It shall be unlawful to allow collection containers or recycling containers to remain at the curblane, where the use of these containers is authorized, following 10:00 p.m. of the day upon which the waste or recyclables are collected by the department. (Code 1968, § 20-19; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88; Ord. No. 95-406, § 6, 4-12-95; Ord. No. 98-115, § 7, 2-11-98)

#### **Secs. 39-66—39-76. Reserved.**

### **DIVISION 3. SPECIAL CITY COLLECTION SERVICES**

#### **Sec. 39-77. Heavy/oversize trash collection.**

(a) Heavy and oversize trash shall be collected on the basis of a schedule established and promulgated by the director. Service shall be limited to residential units, and the service provided under

section 39-49 of this Code to nonresidential units shall not include collection of heavy or oversize trash.

(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than a total of two department truck loads or forty cubic yards of material, whichever is less, shall be collected from any one residential unit on any collection day.

(c) Service shall be limited to items that are placed at the curblane in an unobstructed location, such that automated department equipment may reach and pick up the items. Without limitation, service will not be provided if the items are obstructed by fire hydrants, trees or vegetation, parked cars or other objects that prevent the automated function of the department's equipment.

(d) It shall be unlawful to place or to allow to remain any materials at the curblane for heavy or oversize collection service prior to 6:00 p.m. of the Friday next preceding a day upon which the collection service for the site is scheduled by the director.  
(Code 1968, § 20-25; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 4, 10-12-88; Ord. No. 95-406, § 7, 4-12-95)

#### **Sec. 39-78. Collection of dead animals.**

(a) Small dead animals, such as dogs, cats, or other of similar size, will be picked up by the city as a special service at no charge; provided, that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m.

(b) Large dead animals, such as horses and cattle, or others of similar size, will be picked up by the city as a special service for a fee of \$25.00; provided that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m. The owner of the animal shall pay the aforesaid fee to the department in such manner as the director shall specify; provided, that the director shall not impose such fee in the case of animals of unknown ownership. In

case of animals of unknown ownership, the director may require an affidavit or a signed statement to that effect from the land owner or resident.

(c) It shall be unlawful for any person to place dead animals in any garbage, rubbish or trash container or receptacle. Disposal thereof may require special equipment, routing and handling which cannot be provided as a part of regular collection services.

(d) The city shall not pick up dead animals from those locations engaged in the business of treating, handling, or disposing of animals.

(e) The city shall be responsible for the pickup of dead animals from city property and rights-of-way only.

(Code 1968, § 20-26; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 5, 10-12-88)

#### **Sec. 39-79. Collection of decomposed organic products.**

In cooperation with the director of the health and human services department or his designee, the city shall assist where appropriate in situations involving decomposed organic products on private property deemed detrimental to the health and safety of the general public.  
(Ord. No. 88-1643, § 6, 10-12-88)

#### **Sec. 39-80. Pickup for handicapped.**

The department shall provide solid waste services to handicapped citizens by entering onto the private property of such citizens to collect solid waste generated by such citizens under the following conditions:

- (1) The handicapped citizen shall request such service, in writing;
- (2) The handicap which is the basis of such request must be a physical handicap which prevents the citizen from placing solid waste at the curbside for collection;
- (3) The handicapped citizen shall present with the request for service, documentation from an attending physician confirming the handicap;

- (4) The handicapped citizen shall be the sole resident at the service address at which service is requested, unless all other residents at the service address qualify for service under the provisions of this section; and
  - (5) No more than two containers meeting the specifications of this article shall be collected on any collection day.
- (Ord. No. 88-1643, § 6, 10-12-88)

### **Sec. 39-81. Adopt-a-container program.**

In addition to heavy or oversized trash services, the city may provide bulk containers for use by residents of the city. This service is intended to assist non-profit community organizations with weekend neighborhood cleanup campaigns. The bulk containers will be provided on a first-come-first-served basis, depending upon the availability of equipment. The containers will be delivered on Friday and collected on Monday. Only non-profit and civic organizations are eligible to sponsor bulk containers. Requests to the director for bulk containers must comply with the following conditions:

- (1) The request must be received in writing not less than 21 days prior to the anticipated cleanup date; requests must include a reschedule date in the case of inclement weather;
- (2) The request must indicate a specific location for the container to be placed by the city;
- (3) The request must specifically indicate which community group is requesting the container; and
- (4) The request must specifically name a person to be responsible for monitoring the container, and that person must sign the written request.

(Ord. No. 95-406, § 8, 4-12-95)

### **Sec. 39-82. Neighborhood depositories.**

In addition to the residential heavy or oversized trash collection service, the department may operate solid waste depository sites at which heavy

or oversize trash may be deposited. No person may utilize depository sites more than four times per month. The following rules and conditions shall apply to neighborhood depositories:

- (1) Each user must provide proof of residency in a form acceptable to the director, or must show a current city property tax receipt for use of a facility as a nonresident;
- (2) Only heavy trash and rubbish will be accepted in accordance with rules established by the director under section 39-50 of this Code;
- (3) Salvaging or scavenging items deposited at a site or from vehicles that are waiting to make deposits at a site is unlawful;
- (4) Trespassing on a site is prohibited, and the director shall cause each site to be posted with appropriate no trespassing signage. Only persons who are depositing waste at the site and department employees may be present at a site.

(Ord. No. 95-406, § 8, 4-12-95)

### **Secs. 39-83—39-94. Reserved.**

## **ARTICLE V. LITTER CONTROL\***

### **Sec. 39-95. Enforcement of state solid waste laws and regulations.**

(a) In cooperation with the legal department, the neighborhood protection official and any other city departments having code enforcement responsibilities relating to solid waste, sanitation or litter control, the director shall conduct an effective program of the enforcement of state and local laws relating to solid waste, sanitation and litter control including, but not limited to, enforcement of the Texas Litter Abatement Act (Texas Health and Safety Code, ch. 365).

**\*Cross references**—Duty of automobile wrecker drivers to remove glass, debris, etc., from scene of accident, § 8-213; deposit of garbage or waste at airports, § 9-67; removal of trash on streets after moving of buildings, § 10-73; clean up after demolition or removal of structures, § 10-356 et seq.; litter in buses, § 28-30(a)(2).

(b) The health officer may report the failure of any person to comply with the said act or regulations in writing to the legal department for the institution by the city of suits for the civil penalties and injunction remedies provided in the solid waste disposal act; provided, that the health officer may, but shall not be obligated to, attempt to secure voluntary compliance prior to referral of the complaint to the legal department. Prior to the institution of suit, the legal department shall refer the health officer's request to the city council for authorization to file suit. Such authorization may be granted by motion of the city council. Further authorization shall not be required for taking of any action which the city attorney deems necessary or desirable in connection with the prosecution of the suit or the enforcement of any judgment obtained therefrom.

(Code 1968, § 20-30; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 7, 10-12-88; Ord. No. 95-406, § 9, 4-12-95; Ord. No. 98-613, § 63, 8-5-98)

#### **Sec. 39-96. Information required on solid waste transport vehicles.**

(a) It shall be unlawful for any person to operate or cause to be operated any vehicle whose major use (as defined by the director) is the transporting of solid waste upon any public street within the city unless the name and telephone number of the hauler is posted and maintained thereupon in the manner provided in this section. The word "hauler" as used in this section shall mean the owner of the vehicle, provided that if the vehicle is operated pursuant to a lease or other arrangement whereby the owner is not entitled to the use of the vehicle, then "hauler" shall mean the person entitled to the use of the vehicle.

(b) It is an affirmation defense to prosecution under this section that the cargo transported by such person:

- (1) Contains two cubic yards of solid waste or less; or
- (2) Originated outside the city and is destined for transport outside the city, provided that no solid waste is loaded or unloaded within the city.

(c) It is also an affirmative defense to prosecution under this section that:

- (1) The vehicle is owned by a political subdivision and is marked in compliance with the law applicable to vehicles owned by such subdivision; or
- (2) The vehicle is required to be marked or posted in a manner inconsistent herewith by applicable state or federal laws, rules or regulations and is marked or posted in compliance therewith.

(d) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon both sides, and when the configuration of the vehicle allows, in the rear, in proportional and proportionally spaced block letters and numbers not less than three inches in height having a brush stroke not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean and unobstructed manner at all times. Abbreviated names may be used, provided that the hauler notifies the health and human services and the solid waste management department directors of the abbreviation. In the event that the vehicle is designed in such a manner that the solid waste is transported within a trailer or off-site service type of receptacle which is towed or carried by the vehicle, then the letters and numbers required on the rear of the vehicle may be printed upon such trailer or receptacle in lieu of the vehicle itself. The requirement may be met through the use of decals.

(Code 1968, § 20-31; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 7, 10-12-88; Ord. No. 90-635, § 94, 5-23-90; Ord. No. 93-514, § 65, 5-5-93)

#### **Sec. 39-97. Information required on bulk containers.**

(a) It shall be unlawful for any bulk container service provider to use or to provide any bulk container for the use of any other person within the city unless the name and telephone number of the bulk container service provider is posted and maintained thereon in the manner provided in this section.

(b) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon the bulk container in proportional and proportionally spaced block letters and numbers not less than two and one-fourth inches in height having a brush stroke of not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean condition at all times. Abbreviated names may be used, provided that the bulk container service provider notifies the health and human services and the solid waste management department directors of the abbreviation. If the bulk container is designed for on-premise emptying, then the name and telephone number shall be printed on the side thereof which is intended for access by the truck or other mechanical device which empties the bulk container.

(Code 1968, § 20-32; Ord. No. 81-1524, § 1, 8-11-81; Ord. No. 88-1643, § 7, 10-12-88; Ord. No. 90-635, § 95, 5-23-90; Ord. No. 93-514, § 66, 5-5-93)

**Sec. 39-98. Duty of property owners for collection.**

Property owners shall ensure that solid waste collection services are provided on a regularly scheduled basis to collect all solid waste generated or accumulated on their property. Such schedule will be established to ensure that solid waste is collected at least one time per week or more frequently if required to prevent the creation of any hazard to public health or public nuisance." (Ord. No. 88-1643, § 8, 10-12-88; Ord. No. 98-115, § 8, 2-11-98)

**Sec. 39-99. Bulk containers on public rights-of-way.**

(a) It shall be unlawful for any person to place or allow a bulk container to remain in any improved public street right-of-way, including the street, sidewalk or other public right-of-way property adjacent thereto.

(b) It is a defense to prosecution under this section that the bulk container has been placed by the city under the adopt-a-container program, or that the accused has obtained a temporary use permit from the building official.

(c) The building official shall issue a temporary use permit for the placement of a bulk container on a street right-of-way to the owner of a property on which improvements are being developed or constructed, or both, in accordance with a valid building permit upon demonstration that the temporary use will not unreasonably interfere with vehicular or pedestrian traffic and that no practical alternative exists to the placement of the bulk container in a street right-of-way. Each permit issued shall be for a specific type and size of bulk container at a specific location and may be issued for a period not to exceed 90 days, subject to renewal. (Ord. No. 95-406, § 10, 4-12-95)

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